

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
ANDREW APPLE; PASCAL ARMSTRONG;
ELGIN BECKFORD; EMERIE BECKFORD;
SEWAYNE DALEY; MAURICE GRIFFIN;
JEANETTE HENRIQUES; ALFONZA LEWIS;
LLOYD BERNARD MATTHEWS; CAROL
NEILS; KATHLEEN NORIEGA; ALONZO
PHILLIPS; KIMRON PRIME; WAYNE ST.
LOUIS; JONATHAN SILVA; ANDRE SMALL;
CLARENCE STEWART; JAY WHITLEY;
JEFFREY WILLIAMS; and DEVIN WRIGHT,

Plaintiffs,

-against-

ATLANTIC YARDS DEVELOPMENT
COMPANY, LLC; BROOKLYN ARENA LLC;
BROOKLYN UNITED FOR INNOVATIVE
LOCAL DEVELOPMENT; JAMES CALDWELL;
FOREST CITY RATNER COMPANIES, LLC;
FOREST CITY ENTERPRISES, INC.; GAUSIA
JONES; JANE MARSHALL; ORBIN'S BIG
GREEN MACHINE; and BRUCE RATNER,

Defendants.
-----X

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ SEP 14 2015 ★

BROOKLYN OFFICE

NOT FOR PUBLICATION
MEMORANDUM & ORDER
11-CV-5550 (CBA) (SMG)

AMON, Chief United States District Judge:

By later dated July 31, 2015, plaintiffs' counsel informed the Court that—despite numerous attempts—they had been unable to contact plaintiff Alfonza Lewis since 2012 and moved to withdraw as his counsel based on that breakdown in communication. (DE #151.) Chief Magistrate Judge Steven M. Gold ordered Lewis to appear at a conference already scheduled for August 12, 2015 and directed plaintiffs' counsel to serve that Order by overnight delivery. (DE dated Aug. 3, 2015.) Although plaintiffs' counsel sent Chief Magistrate Judge Gold's Order to Lewis on two separate occasions, he did not appear for the conference. (See

Aug. 12, 2015 Order and Report & Recommendation (hereinafter “R&R”), DE #154.) Due to the apparent breakdown in the attorney-client relationship between Lewis and plaintiffs’ counsel, Chief Magistrate Judge Gold granted counsel’s motion to withdraw on August 12, 2015. (Id.) He further recommended that Lewis’ claim be dismissed, but stated that he would withdraw that recommendation if Lewis contacted the Court by August 31, 2015 indicating that he desired to pursue his claims. (Id.) As the Court received no such communication from Lewis—and the time allotted has expired—it now considers Chief Magistrate Judge Gold’s recommendation that Lewis’ claims be dismissed.

When deciding whether to adopt a report and recommendation, a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). To accept those portions of the R&R to which no timely objection has been made, “a district court need only satisfy itself that there is no clear error on the face of the record.” Jarvis v. N. Am. Globex Fund, L.P., 823 F. Supp. 2d 161, 163 (E.D.N.Y. 2011) (internal quotation marks and citation omitted). No party has objected to the R&R and the time to do so has passed. The Court has reviewed the record and, finding no clear error, hereby adopts Chief Magistrate Judge Gold’s R&R as the opinion of the Court.

Accordingly, plaintiff Lewis’ claims are dismissed.

SO ORDERED.

Dated: September 11, 2015
Brooklyn, New York

s/Carol Bagley Amon

Carol Bagley Amon
Chief United States District Judge